

File Name: 05a0396p.06

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

ROBERT WILLIAM PETTY,

Petitioner-Appellant,

v.

D. L. STINE, Warden,

Respondent-Appellee.

No. 05-5379

Filed: September 19, 2005

Before: COLE, ROGERS, and McKEAGUE, Circuit Judges.

ORDER

Robert William Petty, a federal prisoner residing in Kentucky and proceeding pro se, appeals a district court judgment dismissing his petition for a writ of habeas corpus filed under 28 U.S.C. § 2241. He requests the appointment of an attorney and leave to proceed *in forma pauperis*. The case has been referred to a panel of the court pursuant to Rule 34(j)(1), Rules of the Sixth Circuit. Upon examination, this panel unanimously agrees that oral argument is not needed. Fed. R. App. P. 34(a).

Petty was convicted of a firearm offense in violation of 18 U.S.C. § 922(g)(1) and sentenced to 327 months in prison. In 2005, he filed a § 2241 petition challenging the manner in which the Bureau of Prisons (“BOP”) calculates good-time credit. He argued that the credit should be awarded based on the sentence imposed, not the time actually served. Holding that the BOP had correctly interpreted the relevant statute, 18 U.S.C. § 3624(b), the district court denied relief and dismissed the petition with prejudice. On appeal, Petty again raises arguments challenging the BOP’s method of calculating good-time credit.

“The appellate court renders de novo review of a district court judgment dismissing a habeas corpus petition filed under 28 U.S.C. § 2241.” *Charles v. Chandler*, 180 F.3d 753, 755 (6th Cir. 1999).

We affirm the district court’s judgment. The BOP’s interpretation of the statute is reasonable. *Brown v. Hemingway*, No. 02-1948, 2002 WL 31845147, at *1 (6th Cir. Dec. 16, 2002) (unpublished); *see also Williams v. Lamanna*, No. 01-3198, 2001 WL 1136069, at *1 (6th Cir. Sept. 19, 2001) (unpublished). For further discussion, see *Yi v. Fed. Bureau of Prisons*, 412 F.3d 526 (4th Cir. 2005) (unpublished); *O’Donald v. Johns*, 402 F.3d 172, 173-74 (3d Cir. 2005); *Perez-Olivio v. Chavez*, 394 F.3d 45, 47-54 (1st Cir. 2005); and *White v. Scibana*, 390 F.3d 997, 999-1003 (7th Cir. 2004), *cert. denied*, 125 S. Ct. 2921 (2005) (all upholding the BOP interpretation).

Accordingly, the district court's judgment is affirmed. The motion to proceed *in forma pauperis* is granted for the limited purpose of this appeal, and the motion for an attorney denied as moot. Rule 34(j)(2)(C), Rules of the Sixth Circuit.

ENTERED BY ORDER OF THE COURT

/s/ Leonard Green

Clerk